

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Civil No. 4:19-cv-00104
	)	
v.	)	
	)	
FOUR FIREARMS, and ASSORTED	)	
AMMUNITION,	)	
	)	
Defendant.	)	

**VERIFIED COMPLAINT *IN REM***

Plaintiff, the United States of America, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

**NATURE OF THE ACTION**

1. This is an action to forfeit property to the United States pursuant to 18 U.S.C. § 924(d)(1), because the property is believed to have been involved in violations of 18 U.S.C. § 922(g)(3) (prohibiting possession by an unlawful user of controlled substances) and § 924(c) (prohibiting possession of a firearm in furtherance of a drug trafficking crime).

2. This is also an action to forfeit property pursuant to 21 U.S.C. § 881, namely firearms used to facilitate the transportation, sale, receipt, possession, and concealment of controlled substances, or materials used to manufacture controlled substances.

**DEFENDANT *IN REM***

3. The United States seeks to forfeit the following Defendant property: four firearms specifically including a Taurus International PT738, .380 caliber pistol bearing serial number 14509B; a Ruger AR-556, 5.56mm rifle bearing serial number 85277747; a Mossberg 500 12 gauge shotgun bearing serial number T863709; a Kahr Arms .40 caliber pistol bearing serial

number FE0381, six (6) rounds .380 caliber Speer ammunition; and 269 rounds of assorted ammunition.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the Defendant property under 28 U.S.C. § 1355(b) and § 1395(b) because the acts or omission giving rise to the forfeiture occurred in this district and because the Defendant property was seized from and located in this district. The Defendant property is in the possession of the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives.

### **FACTS**

6. On or about November 8, 2018 at approximately 6:20 a.m., law enforcement executed a federal search warrant at 1303 Boone Street, Boone Iowa.

7. Present at the time was Shawn Turner.

8. As law enforcement officers entered the residence, they encountered Turner exiting a bedroom and walking into the living room.

9. Also present was Brenda Carney, who is believed to own the residence and rents it to Shawn and Kella Turner, Shawn Turner's father.

10. Also present in the residence, in the bedroom Turner exited, was L.R.

11. During the search, several items were located that are evidence of illegal drug-dealing and drug use.

12. In the basement, law enforcement officers recovered a methamphetamine pipe.

13. In the living room, law enforcement officers recovered a clear bag of psilocybin mushrooms.

14. In a common area in the basement, law enforcement officers recovered a broken methamphetamine pipe and a bottle used to smoke methamphetamine.

15. In the Northwest bedroom, law enforcement officers recovered 121.4 grams of MSM.

16. In the Northwest bedroom, law enforcement officer recovered a small, clear plastic bag containing suspected heroin.

17. From Shawn Turner's bedroom in the Northeast part of the residence, law enforcement officers recovered a glass methamphetamine pipe.

18. From Shawn Turner's bedroom in the Northeast part of the residence, law enforcement officers recovered a clear plastic bag, containing approximately 70 smaller, resealable plastic bags.

19. The plastic bags described in the preceding paragraph can be used to package controlled substances for sale.

20. From Shawn Turner's bedroom in the Northeast part of the residence, law enforcement officers recovered a plastic tube with a melted tip.

21. From Shawn Turner's bedroom in the Northeast part of the residence, law enforcement officers recovered a set of digital scales, field tested positive for methamphetamine.

22. Digital scales are used by those who illegally sell controlled substances, to measure the product they are selling to others.

23. From Shawn Turner's bedroom in the Northeast part of the residence, law enforcement officers recovered cartridges of suspected THC.

24. From Shawn Turner's bedroom in the Northeast part of the residence, law enforcement officers recovered a clear bag containing 9.2 grams of marijuana.

25. From Shawn Turner's bedroom in the Northeast part of the residence, law enforcement officers recovered a cylinder containing .3 grams of a crystal substance.

26. From Shawn Turner's bedroom in the Northeast part of the residence, law enforcement officers recovered a glass pipe.

27. From Shawn Turner's bedroom in the Northeast part of the residence, law enforcement officers recovered 2 capsules, containing a crystal substance.

28. From the Northwest bedroom, law enforcement officers recovered a clear plastic bag with a substance that test positive as methamphetamine.

29. Numerous firearms and a large quantity of ammunition were recovered from the residence.

30. Law enforcement officers recovered from the Southeast corner of the basement a Taurus, Model PT738, Pistol, .380 caliber, serial number 14509B, with a magazine.

31. From Shawn Turner's bedroom, law enforcement officers recovered a Ruger, Model AR-556 rifle, 5.56mm, serial number 85277747, with a magazine.

32. From the Northeast bedroom, law enforcement officers recovered a Mossberg, Model 500 shotgun, 12 gauge, serial number T863709.

33. From a vehicle on the premises, law enforcement officers recovered a Kahr Arms, model CW40 pistol, .40 caliber, serial number FE0381, with a magazine.

34. In the Southeast bedroom, law enforcement officers discovered a plastic contained with 53.4 grams of a green, leafy substance, believed to be a controlled substance.

35. From the kitchen, law enforcement officers recovered a drug pipe and picture frame.

36. Law enforcement officer also recovered, throughout the residence, approximately 275 rounds of ammunition.

37. All of the firearms and ammunition are believed to have been manufactured outside of Iowa.

38. Shawn Turner agreed to a content interview by law enforcement at the scene of the search, after being read his Miranda rights.

39. Shawn Turner admitted he slept on the side of the bed where his cellular phone and a methamphetamine pipe were found.

40. During the interview law enforcement asked Shawn Turner if he used methamphetamine.

41. Shawn Turner responded, "Do I use? Yes."

42. Law enforcement provided Shawn Turner with examples of daily methamphetamine usage to get an approximate amount of usage from Turner.

43. Eventually, Shawn Turner stated, and/or implied, that he used a large amount of methamphetamine daily and was not able to accurately gauge how much methamphetamine he used.

44. Much of the property described above, which was recovered from various part of the residence, are evidence of illegal drug dealing and illegal drug use being conducted at the residence and/or by its occupants.

45. Based on the training and experience of law enforcement officers, the government believes that persons who illegally sell or possess controlled substances use firearms, as well as ammunition, to protect themselves, their profits, and their illegal products.

46. Based on information and belief, Shawn Turner and other people associated with the residence where the Defendant property was seized were, at the time the firearms and ammunition were possessed by them, selling and illegally possessing controlled substances.

47. Based on the evidence set forth above, Shawn Turner was illegally a user of one or more controlled substances at times he possessed the Defendant firearms and ammunition.

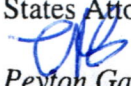
48. Shawn Turner made a claim to the Defendant firearms and ammunition in the ATF administrative forfeiture proceeding on or about December 21, 2018.

#### **CLAIM FOR RELIEF**

WHEREFORE, the United States respectfully requests that the Defendant property be forfeited to the United States, and for such other relief to which it is entitled under applicable law.

Respectfully submitted,

Marc Krickbaum  
United States Attorney

By:  /s/ Craig Peyton Gaumer

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### VERIFICATION

I, Matthew W. Jenkins, state that I am a Special Agent with the Bureau of Alcohol, Tobacco Firearms and Explosives (ATF), I have read the foregoing Verified Complaint *In Rem* and know its contents, and that the matters contained in the Verified Complaint are true and correct to the best of my knowledge.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, and information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as an ATF Special Agent.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated: April 1, 2019.



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Special Agent, Matthew W. Jenkins  
Bureau of Alcohol, Tobacco, Firearms & Explosives